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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,588	05/22/2006	Volker Rug	3481	1093

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MICHAEL J. STRIKER
103 EAST NECK ROAD
HUNTINGTON, NY 11743

EXAMINER	
CEHIC, KENAN	
ART UNIT	PAPER NUMBER
2616	
MAIL DATE	DELIVERY MODE
08/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/549,588	**Applicant(s)** RUG ET AL.	
	Examiner KENAN CEHIC	**Art Unit** 2616	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 July 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires *3* months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1-19*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Kwang B. Yao/
Supervisory Patent Examiner, Art Unit 2616

Continuation of 11. does NOT place the application in condition for allowance because: As regarding the rejections based on Karbowiak: On page 10 of the response to the final office action, the applicant argues that "Karbowiak does not disclose this redundancy". Similarly, the applicant argues on page 12 that "upon activation coupling signals are routed from one path to the other path by taking into account the signal travel direction". However, none of the above features are explicitly recited in claim rejected under Karbowiak. The applicant does not point out where in the claims the above features are recited. The rejections are based on what is recited in claim 1, which the applicant appears to argue about. Furthermore for the above arguments the applicant refers back to the specification of the instant application in order to show non-equivalence. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
Further, the applicant argues on pages 10 and 11 that "participant" as claimed comprises of two processing units, while Karbowiak only discloses one processing unit. The examiner disagrees. The "first processing" and "second processing unit" as claimed, are disclosed by the different components of what is considered by Karbowiak as a "node" (see figure 1, Node and the detailed depiction in figure 17). In figure 17, Karbowiak clearly discloses components for "processing" data; the decoder, encoder, ADLC, and the NIU, each process (decoding, encoding, transmitting, receiving). The applicant himself/herself list, on page 11 of the response, the different component (fig 17; 91, 92,93, LIU 11) of the node.

As regarding the rejections based on Uzun: On page 11, the applicant argues the non-equivalence of the claimed "processing units" by comparing and contrasting features ("the processing units 11, 21, have only one communication path…as input", page 11 of the response) disclosed in Figure 4 of the instant application. However, the rejection are based on the limitations recited in the claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
Further, on page 11, the applicant argues that blocks 250, 210, 220, 255, 215, 225, do not represent processing units. The examiner disagrees. "Processing" merely means "Performing some predefined sequence of operations on an input to produce an output or change of internal state" (processing. (n.d.). The Free On-line Dictionary of Computing. Retrieved August 04, 2008), or "A series of actions, changes, or functions bringing about a result" , or "To put through the steps of a prescribed procedure" (processing. (n.d.). The American Heritage® Dictionary of the English Language, Fourth Edition. Retrieved August 04, 2008). As recited in the final office action each block (210, 220, 255, 215, 225 of figure 3) performs some type of procedure on/using information that was received or to be transmitted. Thus the block (alone or together as recited in the final office action) "process" information. Specifically, the PHY blocks do "process" / are part of a process by receiving/transmitting/formatting information data
Lastly, the applicant on page 11 and 12, the applicant points out perceived disadvantage of Uzun of processing information twice, while in the instant application "the signal is processed once by each separate processing" unit. The applicant does not point out where in the claims the above features are recited. The rejections are based on what is recited in the claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Lastly, on page 12 it is not clear if the applicant is attempting to argue the combination between Karbowiak/Uzun with Sweeton, since that applicant merely states "Examiner appears…focuses on the PLL in support of the obviousness rejection". The applicant does not explicitly say if/how the combination is improper, thus no response is possible.